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MAY 10 2005

**OFFICE OF PETITIONS**

In re Patent No. 6,824,604 :  
Issue Date: November 30, 2004 :  
Application No. 10/030,925 :  
Filed: January 4, 2002 :  
Attorney Docket No. NOACK ET AL-1(PCT) :  
DECISION ON PETITION

This is a decision on the "PETITION FOR THE SUSPENSION OF RULES TO PERMIT THE CORRECT NAME OF THE ASSIGNEE TO BE PROVIDED AFTER ISSUANCE OF THE PATENT", filed December 22, 2004.

The petition under 37 CFR 1.183 is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.<sup>1</sup> However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 1.183 is granted. Such petition under 37 CFR 1.183 should include:

- (A) the petition fee required by 37 CFR 1.17(h);
- (B) a request that 37 CFR 3.81(a) be waived to permit the correct name of the assignee to be provided after issuance of the patent;
- (C) a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- (D) a copy of the Notice of Recordation of Assignment Document.<sup>2</sup>

<sup>1</sup> See 37 CFR 3.81.

<sup>2</sup> MPEP 307.

Here, petitioner included the required \$130 petition fee, made a request that 37 CFR 3.81(a) be waived, stated that the failure to include the correct assignee name on the PTOL-85B was inadvertent, and included a copy of the Notice of Recordation of Assignment Document.

Receipt of the \$100 Certificate of Correction fee is acknowledged.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

*Cliff Congo*

Cliff Congo  
Petitions Attorney  
Office of Petitions